

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - ★ **Petitions if any.**
 - ★ **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

**Montana Historical Society
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2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

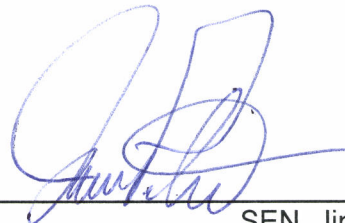
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Wednesday, March 27, 2013
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN: HB 182 Be Concurred In
HB 240 Be Concurred In As Amended
HB 313 Be Concurred In
HB 286 Be Concurred In As Amended
HJ 14 Be Concurred In
Comments: HB 301 Be Concurred In As Amended
SB 374 Do Pass As Amended
HB 181 Be Tabled



SEN. Jim Peterson, Chair

MONTANA STATE SENATE
Roll Call
EDUCATION AND CULTURAL RESOURCES

DATE: 3/27/13

[illegible]

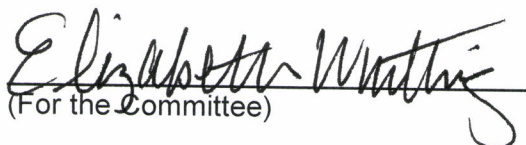
BILL TABLED NOTICE

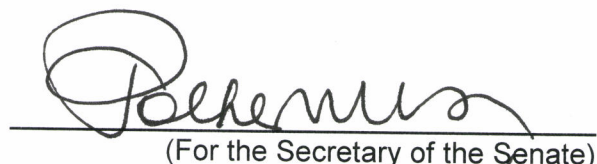
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

The **SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE** TABLED

**HB 181 - Allow local trustees to define ratio of certified library personnel to students -
Rep. Nancy Ballance**

by motion, on **Wednesday, March 27, 2013** (PLEASE USE THIS ACTION DATE IN LAWS
BILL STATUS).

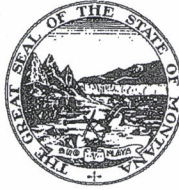

(For the Committee)


(For the Secretary of the Senate)
6:45, 4/2
(Time) (Date)

March 28, 2013 (2:37pm)

Elizabeth Whiting, Secretary

Phone: 444-7363



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Joint Resolution 14** (third reading copy -- blue) **be concurred in.**

Signed: _____

Jim Peterson
Senator Jim Peterson, Chair

To be carried by Senator Jonathan Windy Boy

- END -

Committee Vote:

Yes 7, No 3

Fiscal Note Required ____

HJ0014001SC12893.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 182**
(third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Dave Lewis

- END -

Committee Vote:

Yes 6, No 4

Fiscal Note Required ☐

HB0182001SC13747.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 2

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 240** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Frederick (Eric) Moore

And, that such amendments read:

1. Title, page 1, line 7 through line 8.

Strike: "PROHIBITING" on line 7 through "EXCEPTIONS;" on line 8

2. Title, page 1, line 12.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

3. Page 2, line 12.

Strike: "6"

Insert: "5"

4. Page 3, line 5 through line 20.

Strike: section 4 in its entirety

ReNUMBER: subsequent sections

5. Page 3, line 22.

Strike: "Firearms permitted"

Insert: "Regulation of firearms prohibited"

6. Page 3, line 22 through line 23.

Strike: "subsection" on line 22 through "(2)" on line 23

Insert: "subsections (2) and (3)"

7. Page 4, line 11.

Committee Vote:

Yes 6, No 4

Fiscal Note Required ☐

Following: line 11

Insert: "(3) The board of regents or a unit of the university system may regulate or restrict the possession, carrying, transportation, or storage of firearms upon or within university system property if the board of regents or a unit of the university system designs and implements a "campus carry" program in which a person who applies for and is granted a "campus carry" permit is allowed to possess, carry, transport, and store a firearm upon or within university system property."

8. Page 4, line 14.

Strike: "6"

Insert: "5"

9. Page 4, line 20.

Strike: "6"

Insert: "5"

10. Page 5, line 23.

Strike: "6"

Insert: "5"

11. Page 5, line 25.

Strike: "6"

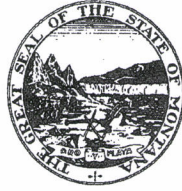
Insert: "5"

12. Page 6, line 1.

Strike: "on passage and approval"

Insert: "January 1, 2014"

- END -



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 2

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 301** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

A handwritten signature in blue ink, appearing to read "Jim Peterson".

Senator Jim Peterson, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Title, page 1, line 4.

Following: "DISTRICT"

Insert: ", A K-12 DISTRICT,"

2. Title, page 1, line 5 through line 6.

Strike: "TO 100%" on line 5 through "TAXATION" on line 6

3. Page 1, line 17.

Strike: "100%"

Insert: "80%"

4. Page 1, line 23.

Strike: "is up to 100%"

Insert: "regardless of whether the general obligation bonds finance elementary program improvements or high school program improvements, is the sum of 80%"

5. Page 1, line 23.

Following: "property"

Insert: "in its elementary program"

Following: "taxation"

Insert: "and 80% of the taxable value of the property in its high school program subject to taxation"

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

6. Page 1, line 25.

Strike: "The"

Insert: "Unless the maximum amount calculated under subsection
(1)(a) yields a greater amount, the"

7. Page 1, line 30.

Strike: "50%"

Insert: "80%"

8. Page 2, line 1.

Following: "district,"

Insert: "unless the maximum amount calculated under subsection
(1)(b) yields a greater maximum amount,"

9. Page 2, line 2.

Strike: "50%"

Insert: "80%"

10. Page 3, line 10.

Strike: "100%"

Insert: "80%"

- END -



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 313**
(third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in ink, appearing to read "Jim Peterson", written over a horizontal line.

Senator Jim Peterson, Chair

To be carried by Senator Taylor Brown

- END -

Committee Vote:

Yes 7, No 3

Fiscal Note Required ☐

HB0313001SC13751.swr



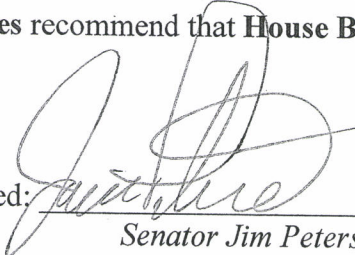
SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 286** (third reading copy -- blue) **be concurred in as amended.**

Signed: 
Senator Jim Peterson, Chair

To be carried by Senator Fred Thomas

And, that such amendments read:

1. Title, page 1, line 7.

Following: "TRIBE"

Insert: "LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA"

2. Page 1, line 24.

Following: "tribe"

Insert: "located within the boundaries of the state of Montana"

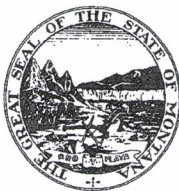
- END -

Committee Vote:

Yes 9, No 1

Fiscal Note Required ☐

HB0286001SC14716.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 5

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 374** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Jim Peterson, Chair

And, that such amendments read:

1. Page 2, line 20.

Strike: "for-profit" through "organization,"

2. Page 2, line 21.

Strike: ", school" through "entity"

3. Page 2, line 22.

Strike: "educational" through "or"

4. Page 5, line 12.

Following: "."

Insert: "The total number of public charter schools for which the commission may act as authorizer is five for fiscal year 2014, and this number must increase by five for each subsequent fiscal year."

5. Page 5, line 13.

Strike: "register"

Insert: "apply"

6. Page 5, line 15.

Strike: "[section 6]"

Insert: "an authorizer"

7. Page 6, line 12.

Strike: the first "and"

Committee Vote:

Yes 7, No 3

Fiscal Note Required ____

Following: "nonrenewal"

Insert: ", and school closure"

8. Page 7, line 11.

Following: line 11

Insert: "(v) addressing the dropout rate;"

Renumber: subsequent subsections

9. Page 13, line 13.

Strike: "substantial educational services,"

Strike: "or both,"

10. Page 14, line 3.

Following: line 3

Insert: "(11) If a public charter school proposal does not contain the elements required in this section, the authorizer may consider the proposal nonresponsive and reject the proposal without the process described in subsection (12)."

Renumber: subsequent subsections

11. Page 14, line 15 through line 16.

Strike: "Within" on line 15 through "proposal." on line 16

Insert: "The authorizer shall approve or deny the charter proposal within 60 days after the filing of a charter proposal, except the commission has up to 120 days if more than three proposals have been submitted to the commission within 30 days. The commission shall notify the applicant of the expected timeline for approval or denial.
(b) "

Renumber: subsequent subsections

12. Page 17, line 17.

Following: "attendance"

Insert: ", dropout, promotion, and graduation rates"

13. Page 17, line 19.

Following: line 19

Insert: "(g) attainment of accreditation from a regionally or nationally recognized accreditation agency;"

Renumber: subsequent subsections

14. Page 17, line 21.

Strike: "performance"

Insert: "elections, performance,"

15. Page 20, line 26.

Following: "reason, the"

Insert: "nonrestricted distributable"

16. Page 20, line 28.

Following: "school,"

Insert: "then to public school districts to which students previously attending the closed charter school are returning on a prorated per-pupil basis,"

17. Page 21, line 21.

Following: line 21

Insert: "(e) The founding governing board of a public charter school may not be in place for longer than 3 years of operation, at which time the governing board must be elected by a process outlined in the charter school bylaws. The election process must include the following:

(i) parents and guardians of students enrolled in the school shall nominate candidates for the governing board;

(ii) if the number of nominees is equal to the number of vacancies, no election is required;

(iii) if the number of nominees is greater than the number of vacancies, the election must be decided by the qualified electors of the district as part of the next regular school election; and

(iv) the terms of board members must be staggered to ensure continuity on the governing board."

18. Page 21, line 22.

Following: "created"

Insert: "with fewer than 12 students or"

19. Page 21, line 29.

Following: line 29

Insert: "(3) A public charter school shall function as a local educational agency. A public charter school is responsible for meeting the requirements of a local educational agency under applicable federal, state, and local laws, including those relating to special education."

Renumber: subsequent subsections

20. Page 22, line 25.

Following: line 25

Insert: "(b) A public charter school shall establish and publish a grievance policy that includes contact information for the school's authorizer and the commission."

Renumber: subsequent subsections

21. Page 23, line 2.

Following: line 2

Insert: "(f) A public charter school shall establish purchasing procedures that include a competitive bidding process for purchases or contracts exceeding \$50,000."

(g) Members of the public charter school governing board and school administrators shall disclose private financial interests, if any exist, prior to taking official action."

22. Page 23, line 4.

Strike: "the qualification of"

Insert: "federally defined highly qualified"

23. Page 23, line 14.

Following: line 13

Insert: "(e) A public charter school shall maintain a record of the qualifications of each teacher employed by the school."

24. Page 23, line 15 through line 17.

Strike: subsection (1) in its entirety

ReNUMBER: subsequent subsections

25. Page 23, line 30.

Following: "equal to"

Insert: "65% of"

Following: "total"

Insert: "annual"

26. Page 24, line 1.

Strike: "for the previous school year"

Insert: ", not to exceed \$8,000"

27. Page 24, line 2.

Following: "figure"

Insert: "based on the most current available data"

28. Page 24, line 7.

Strike: subsection (e) in its entirety

ReNUMBER: subsequent subsections

29. Page 24, line 10.

Strike: subsection (h) in its entirety

ReNUMBER: subsequent subsections

30. Page 24, line 12.

Strike: subsection (j) in its entirety

ReNUMBER: subsequent subsections

31. Page 24, line 17.

Strike: subsection (o) in its entirety

ReNUMBER: subsequent subsections

32. Page 24, line 18.

Following: "acquisition;"

Insert: "and"

33. Page 24, line 19 through line 22.

Strike: ";" on line 19 through "agreement" on line 22

- END -

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO. AB 181 MOTION NO. 1
MOTION: _____

[illegible]

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HB182 MOTION NO. 1
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN		✓	
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN		✓	proxy

6-4

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO. HB240 MOTION NO. _____
MOTION: amend

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO. HB 240 MOTION NO. 1
 MOTION: conceptual

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7 3

DATE 3/27/13 BILL NO. HB 240 MOTION NO. _____
MOTION: _____
_____ *amended 2X* _____

[illegible]

6 4

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HB 313 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

2-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HJ 14 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR WYLLON BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS		✓	
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

10

7-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

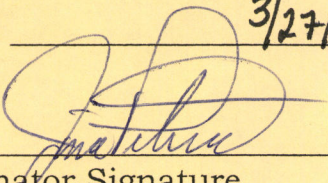
DATE _____ BILL NO. SB 374 MOTION NO. _____
 MOTION: aa

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7-3

SENATE PROXY

I, Senator Jim Peterson hereby authorize Senator Llew Jones to vote my proxy before the Senate Education and Cultural Resources meeting held on 3/27/13 2013.



Senator Signature

Date

Said authorization is as follows: *(mark only one)*

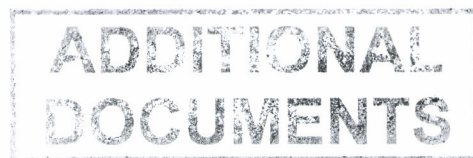
- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 181		✓
HB 182		✓
HB 240 HB 024004. apm	✓	
HB 240 Conceptual amend.	✓	
HB 240 Amend. 2x	✓	
HB 286 HB 028611. apm	✓	
HB 286 Amended	✓	
HB 301 HB 030101. apm	✓	
HB 301 Conceptual amend	✓	
HB 301 Amend. 2x	✓	
HB 313	✓	
HJ 14	✓	
SB 374 as amended	✓	

100

Whiting, Elizabeth

From: McCracken, Pad
Sent: Tuesday, March 26, 2013 8:44 AM
To: 'McRae, Kevin'
Cc: Whiting, Elizabeth
Subject: RE: Fwd: Campus carry



Kevin, I'm cc'ing Elizabeth, the committee secretary, with this request. I believe Chairman Peterson is fine with Elizabeth printing letters and emails and distributing to committee. Elizabeth, if this is not the case, please reply to Kevin and he can email or distribute to committee members.

Pad McCracken
Research Analyst
Montana Legislative Services
406-444-3595
padmccracken@mt.gov

Could you please provide Senate Ed Committee members with the information below that I provided to Sen. Moore regarding amendments to HB 240?

Thank you.

(1.) Given the Legislature's concession on the point that it's legal to prohibit firearms in 40% of state government buildings (non-university-system buildings), which the Legislature does via statute, we don't understand the legal basis for the Legislature's directive that guns be permitted in 60% of state buildings (university system buildings). The Legislature's intent to regulate Board of Regent authority on firearms carry on 60% of state property is concerning given the Legislature's acknowledgment that prohibiting firearms is legal/constitutional on 40% of state property.

(2.) The amendment appears to require the university to allow anyone who has a concealed carry permit, and who has taken one of Mr. Marbut's or similar courses, to carry a gun anywhere on campus. This still has the effect of a broad concealed carry bill for campuses (in conflict with the Legislature's law/rule for 40% of state property).

(3.) Regardless of the legal question in #1 above, we still genuinely believe campuses are safer with current rules in place. Would not the MSSA maintain that people can open-carry anywhere, so, if we allow concealed carry on campus (per the amendment), won't we be facing the carrying of firearms both concealed and openly?

Sincerely,

Kevin McRae
Associate Commissioner of Higher Education